

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of
Edwin C. Puskar
Respondent

Civil Citation No. 68671
237 Orville Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 18, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201 (b), 13-4-201 (d), failure to properly store trash and garbage in cans with tight fitting lids (trash overflowing, no lids) on residential property zoned DR 10.5 known as 237 Orville Road, 21221.

On October 14, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector M. Stuart Kelly issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$400.00 (four hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on September 28, 2009 for proper storage of garbage in cans with tight-fitting lids. This Citation was issued on October 14, 2009.

B. Photographs in the file taken October 14, 2009 show two garbage cans overflowing with bagged garbage, and bagged garbage on the ground. Photograph taken November 16, 2009 for pre-hearing inspection shows a garbage can full of bagged garbage, with no lid. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. Garbage must be properly stored in waterproof cans with tight-fitting lids.

C. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if the violation is corrected, with all garbage properly stored in cans with tight lids, by December 16, 2009.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 30th day of November 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer